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A case for reform

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On any given day, there are nearly 80,000 children in foster care in California, each removed from their homes because of neglect or abuse. Although most will be reunited with their parents, half of all children in foster care stay in placement for more than two years. Far too many languish in a "foster care limbo," moving from placement to placement, separated from siblings, friends and schools.

These are children who, through no fault of their own, are taken from all they know and thrown into a mysterious world of dependency courts, judges, attorneys and social workers.

These are California's children.

While they are in foster care, the state is responsible for their safety and well-being. Many of these children will come before the court at least four times, where a judge will make the most critical decision one can make about another -- where and with whom they are allowed to live.

These children deserve permanent, nurturing families and a positive future. But how effective are the systems we set up to support them? Do the decisions made on their behalf echo the concern and attention we offer our own children? Or, as we believe to be the case, are many of our courts and child welfare agencies so chronically overstressed that foster children sometimes fall between the cracks?

When hearings are delayed, children and families suffer. When hearings are delayed, the courts are not in compliance with the law. But with caseloads averaging 1,000 cases for judges and 270 for attorneys, delays are far too common.

To address these problems, Chief Justice Ronald M. George appointed a Blue Ribbon Commission on Children in Foster Care in 2006 and charged it with helping the courts improve outcomes for foster children and their families. At a public hearing at the Capitol on March 22, foster youth described being intimidated, confused and afraid in court. They received inadequate notice of their own hearings, did not understand legal procedures or language, and had too little time with their attorneys, sometimes meeting them only minutes before the hearing. They lacked transportation to hearings that were too often scheduled during the school day.

Parents described lack of access to their attorneys, difficulty understanding court proceedings and lack of coordination between criminal and juvenile courts when a parent is involved with issues such as substance abuse.

Foster parents and relative caregivers are often the adults who know a foster child best, yet they reported being told that they were not needed in court. Many did not even know they have a right to attend or to speak at the child's hearing.

Court officials, attorneys and judges expressed frustration with overcrowded dockets and the lack of information needed to make informed decisions.

We also heard what it is like when the system works the way it is supposed to work -- when a judge or attorney has time to hear the dreams of a child or the concerns of a parent, when court-ordered services make a difference in a family's life.

We owe our most vulnerable children fair, just and timely court experiences. We owe their parents, and their caregivers, too, hearings in which they can explain their problems and their need for help. Finally, we owe judges and court officials a system that allows them to do the work they are trained to do.

In the end, building a better system for children and families comes down to dedicating our collective efforts to provide effective representation and services, and clear priorities for how we use resources. The stories we hear in public hearings are a window into a system we have created -- one that we now pledge to rebuild. We are determined that the commission's recommendations -- due a year from now -- will be politically viable proposals.

Like the children in our foster care system, we have no time to lose.

Supreme Court Justice Carlos R. Moreno is chair of the California Blue Ribbon Commission on Children in Foster Care and a foster parent. Assembly Majority Leader Karen Bass is a commission member.

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